

REMARKS

In response to the Examiner's informalities objection, the Applicant has amended claim 1 to reflect that the microprocessor appliance is configured to generate a report with information specific to light fixtures associated with the labels read by the reader, rather than state that the microprocessor appliance "can generate" such a report. The Applicant respectfully traverses the Examiner's suggestion of changing the language of claim 1 to read "generates a report" as this incorporates a process step into an apparatus claim. No new subject matter has been added by this amendment.

The Applicant respectfully submits that the claims as amended patentably distinguish the invention over the cited references for the reasons given below.

Claims 1-9

The Examiner has cited Markman, teaching an inventory control and reporting system, and asserts that the subject matter of these claims would have been obvious having regard to Markman as modified by Dolin and Hirata (and in view of further prior art with respect to certain dependent claims), which teaches a barcode label that is assigned a unique identifier which is related to a light fixture on a paper floor plan. The Applicant respectfully disagrees.

Although Markman discloses a plurality of labels each containing unique indicia, and that a report may be generated with information specific to that indicia, the inventory articles and the nature of the indicia of Markman are different than those of the present invention. The indicia in Markman are generated on a per-transaction basis only when a customer submits a garment to be dry cleaned (col 6, lines 13 to 15, 52 to 64; the indicia are associated with the garments, not the customer). When the garment is returned to the customer, the customer would remove any labels bearing indicia. If the customer were to bring the same garment back to the dry-cleaning establishment for another cleaning, following the teaching in Markman, a *new* indicia would be generated as this event would comprise a new transaction. Markman teaches only a temporary, not a permanent, association of an indicia with the movable inventory item to be monitored.

This teaching leads away from the present invention, as a temporary association of indicia with movable inventory articles does not permit the generation of a repair task route based on relative

locations of light fixtures physically associated with labels read by a reader, specifying a sequence of fixture maintenance based on the relative locations of the light fixtures.

The addition of Dolin to Markman does not lead a person of ordinary skill to the marking of fixtures with barcode labels. Dolin only mentions that an installer may read barcodes from adhesive labels attached to a floor plan, not labels attached to immovable fixtures (col 9, line 64 to col 10, line 3). A person skilled in the art, modifying the teaching of Markman by Dolin, would at best arrive only at a temporary association of a bar code indicia with an inventory item, and not at the generation of a repair task route.

Further, the addition of Hirata to Markman and Dolin does not lead a person of ordinary skill in the art to the present claimed invention. The Applicant presumes, based on the record, that the Examiner is relying strictly on the English language abstract of the Hirata reference, Hirata being a Japanese language patent document. If the Examiner is relying on the full text of Hirata, the Applicant respectfully requests that an English translation be provided by the Examiner in a further, non-final, Office Action.

Based on the English-language abstract, Hirata describes the problem to be solved as making “plant information required for the inspection of a plant accessible to the maintenance personnel of the plant at a high speed.” The solution is described as a terminal 106 communicating with a server 101. The terminal receives information concerning a next plant to be inspected along an expected inspection route before the maintenance personnel, carrying the terminal, begins the inspection of the next plant. The abstract does not disclose that the determination of a next plant to be inspected is carried out based on relative locations of plants, of fixtures, or other equipment. Rather, a person skilled in the art reading the abstract of Hirata would be led to conclude that the order of inspection of plants is predetermined and is not based on any information associated with a database:

a maintenance personnel carrying the terminal 106 with him specifies the plant to be inspected next from his expected inspection route stored and managed by him... Before starting the inspection of the next plant, the personnel acquires the plant information required for the inspection from an information server...
(emphasis added)

In other words, while Hirata may suggest that the individual maintenance person making use of the system taught in Hirata may have an inspection route that is predetermined by the maintenance person him- or herself, Hirata does not teach or suggest that the next plant to be inspected is determined on the basis of database information, the reading of indicia, or on anything but the maintenance person's own preconceived inspection route, which is determined without regard to the information relating to the actual task of inspection of each plant.

Put another way, in Hirata, first the next plant to be inspected is determined, then the information relevant to the inspection is acquired. By contrast, in the present claimed invention, the sequence of fixture maintenance (the repair task route) is generated only after the labels physically associated with the light fixtures have been read by a reader. A person skilled in the art, applying Hirata to Markman and Dolin, would be led to a system in which a maintenance worker would duly attend at each light fixture, read the indicia associated therewith, and then retrieve any maintenance information relating to the light fixture. However, the present invention provides the unexpected advantage that repair personnel can be equipped to deal with all of the specific maintenance tasks listed in the repair task route, resulting in additional efficiencies since the repair personnel's inventory will be tailored to the route, and not equipped with superfluous equipment or replacement parts (or missing necessary equipment or parts). None of Markman, Dolin, nor Hirata teach a system that provides this advantage.

To further emphasize this patentable distinction over the prior art, the Applicant herewith files copies of sworn affidavits pursuant to 37 CFR 1.132. These affidavits were originally filed in connection with corresponding Canadian Patent Application No. 2,307,153, a published patent application (a copy of which is provided for convenience) which names the same inventor and covers the same subject matter as the present United States patent application.

The Applicant submits that these affidavits, sworn by persons skilled in the art in the field of light fixture management, demonstrate that the claimed invention teaches an advantage that cannot be derived from the prior art, and further that contrary to the Examiner's conclusion at page 3 of the Office Action, it would not have been obvious to an artisan of ordinary skill in the art at the time the invention was made "to have a report that comprises a repair task route based on the relative location of the light fixtures associated with the labels read by the reader in order

to obtain a most effective method and process to work on all the light fixtures that require repair,”

As noted in the Affidavit of Georges Corbeil, affirmed June 14, 2004, paragraph 9: “Before Mr. Jeffery’s invention... no maintenance person would follow a marked-up floor plan as a repair task route. No one prepared a repair task route at all.” At the time Mr. Corbeil’s affidavit was affirmed, the affiant was the operations manager whose responsibilities included the oversight of fixture and equipment maintenance, and he had worked in the field of property management for 38 years.

Further, in the Affidavit of John Caputi, affirmed June 4, 2004, paragraph 9, it is stated: “At no time before I was introduced to Mr. Jeffery’s system, did I know of any maintenance crew or property management office that maintained or compiled any sort of route map to be followed by a maintenance crew, based on the requests for repairs received by property management.” Mr. Caputi, at the time the affidavit was affirmed, was an operations manager whose duties included the maintenance of fixtures and equipment at various business locations; he had also 28 years of experience in the field of fixture repair and maintenance.

In the Affidavit of Grant Cully, affirmed June 1, 2004, it is noted at paragraph 6 that identification of fixtures in need of repair was done visually, and not by any labeling, numbering, or indicia system. At the time his affidavit was affirmed, Mr. Cully was a maintenance manager responsible for overseeing the maintenance of light fixtures and equipment in a large office building. Thus, it was demonstrably not obvious at the time the invention was made to apply bar code or other indicia to light fixtures leading to the generation of a repair task route.

Claims 10-19

The Applicant respectfully traverses the Examiner’s rejection of these claims in view of Benson, Dolin, and Hirata, as further modified by other prior art in the case of dependent claims. The Applicant submits that the claims patentably distinguish the invention over the cited references for reasons similar to those set out above: Hirata does not teach the generation of a repair task route or even of an inspection route based on read indicia. Further, Benson does not disclose a method of inventory management involving the generation of a repair task route, and even with

the addition of Dolin and Hirata, the prior art fails to provide the unexpected advantage of the present invention; namely, that repair personnel can be equipped to deal with all of the specific maintenance tasks listed in the repair task route.

The Applicant accordingly respectfully submits that the present invention as claimed is not obvious based on the cited references, because it provides (amongst other benefits) the unexpected advantage of allowing the user to structure and equip maintenance and repair routines based on spatial location information relating to the inventory, which is not taught or suggested by any of the prior art.

Favourable reconsideration and allowance of this application are respectfully requested.

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Encl. Canadian Patent Application No. 2,307,153, petition and filing certificate
Affidavits of Georges Corbeil, John Caputi, and Grant Cully